

**IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

LESTER J. SMITH,

Plaintiff,

V.

CARL HUMPHREY, et al.,

Defendants.

CIVIL ACTION NO. 5:12-CV-15 (MTT)

ORDER

Before the Court is the “Plaintiff’s Objection” (Doc. 90) to Magistrate Judge Charles H. Weigle’s orders (Docs. 81, 82) denying his Motion for Funds to Hire an Investigator (Doc. 74), Motion for Discovery (Doc. 73), and Motion to Appoint Expert (Doc. 75). The Court construes the “Plaintiff’s Objection” as a Motion for Reconsideration of the Magistrate Judge’s orders.

Pursuant to Local Rule 7.6, “Motions for Reconsideration shall not be filed as a matter of routine practice.” M.D. Ga., L.R. 7.6. “Reconsideration is appropriate only if the movant demonstrates (1) that there has been an intervening change in the law, (2) that new evidence has been discovered which was not previously available to the parties in the exercise of due diligence, or (3) that the court made a clear error of law.” *Bingham v. Nelson*, 2010 WL 339806, at *1 (M.D. Ga.) (internal quotation marks and citation omitted). “In order to demonstrate clear error, the party moving for reconsideration must do more than simply restate [his] prior arguments, and any

arguments which the party inadvertently failed to raise earlier are deemed waived.”

McCoy v. Macon Water Authority, 966 F. Supp. 1209, 1222-23 (M.D. Ga. 1997).

Here, the Plaintiff has not met this burden. He has not alleged an intervening change in the law nor presented new evidence previously not available to him, and the Court is not persuaded the Magistrate Judge’s ruling was clearly erroneous. Moreover, the Plaintiff concedes he has now been provided with the information for which he requested a private investigator, and the Plaintiff will be given ample opportunity to obtain any necessary medical records through discovery should the Defendants’ pending Motion to Dismiss (Doc. 38) be denied.

Accordingly, the Plaintiff’s Motion for Reconsideration is **DENIED**.

SO ORDERED, this 21st day of November, 2012.

S/ Marc T. Treadwell
MARC T. TREADWELL, JUDGE
UNITED STATES DISTRICT COURT